

Chapter 1 **INTRODUCTION**

This Program Environmental Impact Report (EIR) assesses the potentially significant environmental effects of the proposed City of Carlsbad (City) Sewer Master Plan and Carlsbad Municipal Water District (CMWD) Water and Recycled Water Master Plans (herein referred to as the “Master Plans”). The Master Plans propose to develop a facilities plan and capital improvement program (CIP) to accommodate future needs for sewer, water, and recycled water services.

As required by the California Environmental Quality Act (CEQA), this EIR:

1. Assesses the potentially significant direct and indirect environmental effects of the proposed Master Plans as well as the potentially significant cumulative impacts that could occur from implementation of the Master Plans;
2. Identifies potential feasible means of avoiding or substantially lessening significant adverse impacts; and
3. Evaluates a range of reasonable alternatives to the proposed Master Plans, including the required No Project Alternative.

As described in the CEQA Statutes and Guidelines, public agencies are charged with the duty to avoid or substantially lessen significant environmental effects, with consideration of other conditions, including economic, social, technological, legal, and other benefits. This EIR is an informational document, the purpose of which is to identify the potentially significant effects of the Master Plans on the environment and to indicate the manner in which those significant effects can be avoided or significantly lessened, to identify any significant and unavoidable adverse impacts that cannot be mitigated to below a less than significant level, and to identify reasonable and feasible alternatives to the Master Plans that would avoid or substantially lessen any significant adverse environmental effects associated with the proposed Master Plans.

1.1 Master Plans Background

The City and CMWD propose to implement the Sewer, Water and Recycled Water Master Plans, which update the existing master plans. The existing Water Master Plan and Sewer Master Plan were adopted by the City of Carlsbad in 2003. The existing Carlsbad Water Reclamation Master Plan was adopted in March 1992 with a negative declaration. This EIR addresses the potential environmental impacts of the updated Master Plans.

The City and CMWD are responsible for the maintenance, operations, and management of sewer collection systems, and water and recycled water distribution systems in their respective service areas. The City and CMWD propose to implement an update to their Master Plans for the provision of infrastructure services throughout the sewer, water, and recycled water service areas. The Sewer, Water, and Recycled Water Master Plans represent comprehensive programs for the phased and orderly development of sewer, water, and recycled water utilities for the future needs of the service areas. They consist of individual capital improvement projects to construct new facilities and modify or expand existing facilities that would be needed to implement the Master Plans. (Note: Once constructed, the facilities remain as a part of the Master Plan; they do not get removed from the Master Plan once built.)

1.2 Environmental Review Process

1.2.1 Lead, Responsible, and Trustee Agencies

Section 21067 of the CEQA Statutes defines a lead agency as the public agency which has the principal responsibility for carrying out or approving a project that may have a significant effect upon the environment. The City of Carlsbad will be the Lead Agency in preparing this EIR. The Carlsbad City Council is the decision-making body for the city. The CMWD is a subsidiary district of the City of Carlsbad. CEQA specifies that any lead agency is required to consider the information in the EIR, along with any other relevant information, in making its decisions on a project. CEQA requires the lead agency to consider the information in the EIR prior to project approval and make findings regarding each significant impact identified in the EIR. The EIR aids the lead agency in the decision making process, but does not determine the ultimate decision that will be made regarding implementation of the project.

Under CEQA Section 15381, public agencies, other than the Lead Agency, that have discretionary authority over a project, or aspects of a project, are considered responsible agencies. Federal agencies are not responsible agencies under CEQA; however, federal agencies may have discretionary authority over a project. The CMWD, California Coastal Commission, State Water Resources Control Board, Regional Water Quality Control Board, California Department of Transportation, California Department of Fish and Game, California State Historic Preservation Office, San Diego Regional Water Quality Control Board, County of San Diego Department of Environmental Health, City of San Marcos, City of Oceanside, and City of Vista are responsible agencies that have discretionary authority over the proposed Master Plans or aspects of construction of the proposed CIP projects. Federal agencies that have discretionary authority over the project include the U.S. Fish and Wildlife Service, the U.S. Army Corps of Engineers, and the U.S. Department of Transportation Federal Highway Administration.

As defined in Section 15386 of the CEQA Guidelines, a trustee agency is a state agency that has jurisdiction by law over natural resources affected by a project that are held in trust for the people of the state of California. The California Department of Fish and Game is both a “Responsible Agency” and “Trustee Agency” and is responsible for ensuring appropriate conservation of the state’s biological resources including rare, threatened, and endangered plant and animal species which may be impacted by implementation of the Sewer, Water, and Recycled Water Master Plans.

1.2.2 Purpose and Intended Uses of this Program EIR

According to CEQA Guidelines Section 151568(a), a “Program” EIR is an EIR that may be prepared on a series of actions that can be characterized as one large project and are related either: 1) geographically; 2) as logical parts in a chain of contemplated actions; 3) in connection with issuance of rules, regulations, plans, or other general criteria to govern the conduct of a continuing program; or 4) as individual activities carried out under the same authorizing statutory or regulatory authority and having generally similar environmental effects which can be mitigated in similar ways. This program EIR evaluates the broad programmatic implementation of the Sewer, Water, and Recycled Water Master Plan Updates and provides a more comprehensive consideration of potential environmental effects, including cumulative impacts, mitigation measures, and alternatives, than would be provided for individual projects included within the CIP for each Master Plan. Evaluation of these factors at the early stages of the planning process can simplify later environmental review for specific projects within the program by focusing such later review solely upon new effects not considered in the program EIR. Therefore, this program EIR is tailored to the first tier, namely, the program planning process for the master plans, contemplating that additional detail and environmental analysis may be necessary at the second tier, namely, implementation of the individual projects included in the CIPs that may involve site-specific or project specific effects not addressed in the program EIR. As CEQA Guidelines Section 15168(c)(5) states, “A program EIR would be most helpful in dealing with subsequent activities if it deals with the effects of the program as specifically and comprehensively as possible. With a good and detailed analysis of the program, many subsequent activities could be found to be within the scope of the project described in the program EIR, and no further environmental documents would be required.”

This program EIR analyzes the potential physical impacts that would result from the programmatic implementation of the proposed Master Plans. Neither the adoption of the master plans nor certification of the final program EIR shall constitute an approval of or a commitment to any specific CIP project or activity, construction schedule, or funding priority. Furthermore, inclusion of any conceptual plans, studies, or potential construction assumptions in this program EIR does not constitute a commitment to such plans, studies, or assumptions. Any inconsistencies between project descriptions or activities and/or the conceptual plans, studies, or potential construction assumptions applicable to subsequent projects or activities included in the program and the description, plans, studies, and assumptions considered in this program EIR would be addressed and evaluated, as necessary and appropriate to comply with the requirements of CEQA, in the environmental documentation prepared for such subsequent projects or activities. The eventualities of any such inconsistencies may merely indicate that the future CIP projects or activities may not be entirely within the scope of potential environmental effects addressed in this program EIR, and additional analyses may be required.

The program EIR process and the information it generates will be used for the following purposes:

- To give responsible and trustee agencies and other governmental bodies and the public the opportunity to provide input into the decision-making process;
- To provide public agencies with information necessary for them to determine if they have jurisdiction over some aspect of implementation of the Master Plans and, if so, to identify any requirements it may have for project permits, approvals, licenses, or other entitlements;
- To inform the public as well as the decision makers of the potential environmental consequences of the implementation of the Master Plans, and alternatives, and to assist the City or CMWD in

making decisions and taking actions to avoid or reduce any environmental effects to a less than significant level; and

- To assist the public in understanding the expected environmental effects and how decision-makers plan to respond to and mitigate such effects.

As described in the CEQA Guidelines, public agencies are charged with the duty to avoid or substantially lessen significant environmental effects, with consideration of other conditions, including economic, social, technological, legal, and other benefits. This EIR is an informational document, the purpose of which is to: 1) identify the potentially significant effects of the proposed project on the environment and to indicate the manner in which those significant effects can be avoided or significantly lessened, 2) identify any significant and unavoidable adverse impacts that cannot be mitigated to a less than significant level, 3) identify reasonable and feasible alternatives to the proposed project that would avoid or substantially lessen any significant adverse environmental effects associated with the proposed project.

The lead agency is required to consider the information in the EIR, along with any other relevant information, in making its decision on the proposed Master Plans. The decision to implement the Sewer, Water, and Recycled Water Master Plans is within the purview of the Carlsbad City Council. Although the EIR does not determine the ultimate decision that would be made regarding implementation of the Master Plans, CEQA requires the City Council to consider the information in the EIR prior to project approval and make findings regarding each significant effect identified in the EIR.

The EIR is circulated to responsible agencies and trustee agencies with resources affected by the Master Plans, state agencies with jurisdiction by law, federal agencies, and interested parties and individuals. The purpose of public and agency review of the EIR includes sharing expertise, disclosing agency analysis, checking for accuracy, detecting omissions, discovering public concerns, and soliciting comments. In reviewing the EIR, reviewers should focus on the sufficiency of the document in identifying and analyzing potentially significant effects on the environment and avoiding or mitigating the significant effects of the proposed Master Plans. For example, the RWQCB will use the EIR and supporting documentation in its decision regarding issuance of water quality permits, such as an NPDES General Construction Activity Storm Water Permit, CWA 401 Water Quality Certification, and/or a General Dewatering Permit. If federally listed species are affected by implementation of the Master Plans, the U.S. Fish and Wildlife Service will use the EIR and supporting documentation in its decision regarding issuance of relevant permits, such as take permits under Section 10 of the Federal Endangered Species Act. Should wetlands or waters of the U.S. be affected, the U.S. Army Corps of Engineers will review the EIR and supporting documentation in its decision regarding issuance of relevant permits, such as a 404 or nationwide permit. The California Department of Fish and Game will use the EIR and supporting documentation in its decision regarding issuance of a Section 1601 or 1603 Streambed Alteration Agreement under the CESA.

In addition, the cities of Oceanside, Vista, and San Marcos will use the EIR and supporting documentation in their respective decisions regarding issuance of encroachment permits for construction within each jurisdiction's right-of-way. The City of Carlsbad and the California Coastal Commission will use the EIR and supporting documentation in their respective decisions regarding issuance of Coastal Development Permits for any portion of a proposed CIP project lying within their coastal zone jurisdictions. For construction within existing San Diego Gas & Electric easements, San Diego Gas & Electric would use the EIR and supporting documentation in its decision regarding issuance of encroachment permits.

1.2.3 Future Tiering from a Program EIR

Subsequent environmental documents for future CIP projects that implement the Master Plans would tier from this program EIR, and may include addendums, initial studies, negative declarations, mitigated negative declarations, and subsequent or supplemental EIRs. As discussed in CEQA Guidelines Section 15152, “tiering” refers to the use of the analysis of general matters contained in a previous broad EIR in later EIRs. Tiering is accomplished by incorporating by reference and building upon the general discussions from previous EIRs. Tiering allows the environmental documents being prepared for a later project to focus on those issues specific to the later project which were not addressed in the previous EIR. In particular, the environmental documents for a later project would focus on the environmental effects which are capable of being integrated or were not analyzed as significant effects on the environment in the previous EIR. In effect, tiering enables agencies to analyze environmental issues that are ready for decision at each stage, and to exclude issues that have already been decided or that are not ready for decision. CEQA Guidelines Section 15168(c) provides guidance pertaining to the environmental review process for implementation of CIP projects identified in the Sewer, Water, and Recycled Water Master Plans:

1. If a later activity would have effects that were not examined in the program EIR, a new initial study would need to be prepared leading to either an EIR or a negative declaration.
2. If the lead agency finds that pursuant to Section 15162, no new effects could occur or no new mitigation measures would be required, the agency can approve the activity as being within the scope of the project covered by the program EIR, and no new environmental document would be required.
3. An agency shall incorporate feasible mitigation measures and alternatives developed in the program EIR into subsequent actions in the program.
4. Where the subsequent activities involve site specific operations, the agency should use a written checklist or similar device to document the evaluation of the site and the activity to determine whether the environmental effects of the operation were covered in the program EIR.

As described in CEQA Guidelines Section 15168(d), a program EIR can be used to simplify the task of preparing environmental documents on later parts of the program. The program EIR can:

1. Provide the basis in an initial study for determining whether the later activity may have any significant effects.
2. Be incorporated by reference to deal with regional influences, secondary effects, cumulative impacts, broad alternatives, and other factors that apply to the program as a whole.
3. Focus an EIR on a subsequent project to permit discussion solely of new effects, which had not been previously considered.

1.2.4 Notice of Preparation/Scoping Process of EIR

Scoping is the process followed to ensure that the germane environmental concerns of individuals, organizations, and agencies about a proposed project are adequately addressed within the project’s environmental document. Scoping is an integral part of the CEQA process because it allows interested

parties to participate directly in the preparation of the environmental document, and to identify significant environmental effects and alternatives.

To initiate the public scoping process for this EIR in accordance with CEQA, the City of Carlsbad circulated a Notice of Preparation (NOP) on January 31, 2012. The 30-day public review period for the NOP ended March 1, 2012. A total of nine comment letters were received during the NOP public scoping period.

A public scoping meeting was held at the City of Carlsbad Faraday Building, located at 1635 Faraday Avenue, Carlsbad, California 92008 on February 9, 2012 at 5:30 p.m. The purpose of this meeting was to provide the public and governmental agencies with information on the Sewer, Water, and Recycled Water Master Plans and the CEQA process, and to give attendees an opportunity to identify environmental issues and alternatives that should be considered in the EIR. Comment forms were available for attendees to fill out and leave with City staff at the scoping meeting. Attendees were invited to mail their comment letters to the City during the 30-day NOP public scoping period by no later than March 1, 2012, or leave them with City staff following the scoping meeting to ensure that their concerns would be addressed in the EIR. No written comment forms were submitted. Appendix A to this EIR includes the NOP and associated legal newspaper publication and copies of the written comments received during the NOP public scoping period.

1.2.5 Draft EIR Public Review

In accordance with CEQA Guidelines Section 15105, the public review period for a draft EIR shall not be less than 30 days nor should it be longer than 60 days except under unusual circumstances. When a draft EIR is submitted to the State Clearinghouse for review by state agencies, the public review period shall not be less than 45 days, unless the State Clearinghouse approves a shorter period. During public review, the draft EIR is circulated to responsible agencies and trustee agencies with resources affected by the project, state agencies with jurisdiction by law, federal agencies, and interested parties and individuals. The purpose of public and agency review of the draft EIR includes sharing expertise, disclosing agency analysis, checking for accuracy, detecting omissions, discovering public concerns, and soliciting comments. In reviewing the draft EIR, reviewers should focus on the sufficiency of the document in identifying and analyzing potentially significant effects on the environment and avoiding or mitigating the significant effects of the proposed project.

The 45-day EIR public review period ~~will begin~~ began on July 19, 2012 and ~~ended~~ ed on September 4, 2012. The document ~~is~~ was available online at www.carlsbadca.gov/services/departments/planning/Pages/agendas-minutes-and-notice.aspx. A public hearing on the draft EIR ~~will be~~ was held during the public review period to gather additional testimony on the project and the adequacy of the draft EIR. Notification of the date and time of the public hearing ~~will be~~ was distributed prior to the scheduled date. In addition, comment letters on this draft EIR ~~may be~~ were submitted in writing and addressed to:

Barbara Kennedy
City of Carlsbad
1635 Faraday Avenue
Carlsbad, CA 92008
Email: Barbara.Kennedy@carlsbadca.gov

Following the public review period, a final EIR ~~will be~~ was prepared to address the written and verbal comments and testimony received on the draft EIR during the public review period. The City of Carlsbad ~~will~~ reviewed and considered the final EIR ~~when prior to~~ making a decision to approve the Sewer, Water, and Recycled Water Master Plans.

1.3 Public Actions and Approvals Required

The adoption of the Sewer, Water, and Recycled Water Master Plans requires the affirmative vote of the City Council. However, implementation of the proposed CIP projects may require that the City and CMWD obtain approval, permits, licenses, certifications or other entitlements from various federal, state, and local agencies, as shown in Table 1-1.

Table 1-1 Federal, State, or Local Permits and Approvals

Agency/Department	Permit/Approval	Action Associated With or Required For
Federal Agencies		
U.S. Fish and Wildlife Service	Incidental Take Authorization Under Section 7 or 10 of the Endangered Species Act (16 U.S.C. §§1531 et seq.)	Activities where there may be an incidental take of a federally listed endangered/ threatened/ proposed species that are not covered under the Carlsbad Habitat Management Plan.
U.S. Army Corps of Engineers	Individual/Nationwide Section 404 Permit (CWA, 33 U.S.C. §1344)	Discharge of dredge/fill into waters of the U.S., including wetlands.
Advisory Council on Historic Preservation	Review under Section 106 Consultation, National Historic Preservation Act (16 U.S.C. §470(f))	Opportunity to comment if project may affect cultural resources listed or eligible for listing on National Register of Historic Places.
U.S. Department of Transportation, Federal Highway Administration	Encroachment Permits (23 CFR 645.201 et seq.)	Consider issuance of permit for any pipeline crossings of federally funded highways.
State Agencies		
State Water Resources Control Board, Regional Water Quality Control Board	General Construction Activity Storm Water Permit SWRCB Order No. 2009-0009 DWQ	Storm Water discharges associated with construction activity.
	Waste Discharge Requirements (Water Code 13000 et seq.)	Discharge of waste that might affect groundwater or surface water (point/nonpoint-source) quality.
	401 Certification (CWA, 33 USC 1341, if the project requires U.S. Army Corps of Engineers 404 Permit)	Water Quality Certification for federal permit authorizing discharge of dredge/fill into waters of U.S. (see U.S. Army Corps of Engineers Section 404 Permit).
California Coastal Commission	Coastal Development Permit	Required for projects located within a deferred certification area in the coastal zone.
California Department of Fish and Game	California Endangered Species Act (California Public Resources Code Section 30600)	Activity where a listed candidate, threatened, or endangered species under California Endangered Species Act not covered by the Carlsbad Habitat Management Plan that may be present in the project area and a state agency is acting as lead agency for CEQA compliance. Consider issuance of a Section 2081 "incidental take" permit for state-only listed species and a Section 2081.1 consistency determination for effects on species that are both federally and state listed.

Table 1-1 Federal, State, or Local Permits and Approvals (continued)

Agency/Department	Permit/Approval	Action Associated With or Required For
California Department of Fish and Game	Lake/Streambed Alteration Agreement (California Fish and Game Code Section 1600 et seq.)	Change in natural state of river, stream or lake (includes road or land construction across a natural streambed).
California Department of Health Services	Permit to Operate a Public Water System (California Health and Safety Code Section 116525)	Any person who plans to operate a public water system must obtain permit.
California Department of Transportation	Encroachment Permit (California Streets and Highways Code Sections 660 et seq.)	Consider issuance of permits to cross state highways.
California State Historic Preservation Office	Review under Section 106 Consultation, National Historic Preservation Act and California Office of Historic Preservation (California Public Resources Code Sections 5024, 5024.5, 21083.2 – 21084.1)	Consult with Bureau of Land Management, project applicant, appropriate land management agencies, and others regarding activities potentially affecting cultural resources.
Local Agencies		
County of San Diego Department of Environmental Health	Hazardous Materials Business Plan	Hazardous material exceeding federal threshold quantities.
	Hazardous Materials Inventory	Hazardous materials exceeding county threshold quantities.
City of San Marcos	Encroachment Permit	Required for construction within city right-of-way.
	Conformity with Zoning	Required for construction within city right-of-way.
City of Vista	Encroachment Permit	Required for construction within city right-of-way.
	Conformity with Zoning	Required for construction within city right-of-way.
City of Carlsbad	Encroachment Permit	Required for construction within city right-of-way.
	Discretionary Permit	Required for construction activities within the city requiring discretionary approval.
	Habitat Management Plan Take Permit	Required for potential impacts to sensitive species or habitats covered by the Carlsbad Habitat Management Plan.
	Coastal Development Permit	Required for projects located within a coastal zone.
City of Oceanside	Encroachment Permit	Required for construction within city right-of-way.
	Conformity with Zoning	Required for construction within city right-of-way.
Vallecitos Water District (VWD)	Project Approval	Recycled water service expansion into the VWD service area would require VWD approval.

1.4 Organization of the EIR

The content and format of this EIR are designed to meet the requirements of CEQA. This EIR includes the following:

- **Executive Summary.** Summarizes the proposed Master Plans, environmental impacts that would result from implementation of the Master Plans, recommended mitigation measures that would avoid or reduce impacts, the CIP projects that would require mitigation, and the level of significance of impacts both before and after mitigation. Also identifies areas of controversy known to the Lead Agency and issues to be resolved including the choice among alternatives and whether or how to mitigate the significant effects.
- **Chapter 1, Introduction.** Provides an introduction and overview describing the purpose and intended use of the EIR, the EIR's compliance with CEQA, and the scope and organizational format of the EIR. This section also includes a list of discretionary actions that would be required to approve the proposed Master Plans by the Lead Agency and other responsible and trustee agencies.
- **Chapter 2, Project Description.** Provides a detailed description of the proposed Master Plans, including geographical setting, major objectives, structural and technical characteristics and components, and implementation phasing.
- **Chapter 3, Environmental Setting.** Provides a description of the physical environmental conditions in the vicinity of the CIP projects proposed within the Master Plans, as they exist at the time the NOP is published, which constitute the baseline physical conditions by which the significance of potential impacts will be assessed.
- **Chapter 4, Scope and Format of Environmental Impact Analysis.** Contains program level analysis for the various environmental issues. The subsection for each environmental topic contains a description of the existing environmental setting of the Master Plans CIP project sites and areas, regulatory framework, impacts and mitigation measures, cumulative impacts and mitigation, and references.
- **Chapter 5, Other CEQA Considerations.** Provides discussions required by Sections 15126 and 15128 of the CEQA Guidelines, including effects found not to be significant during the EIR process, growth inducing impacts of the proposed Master Plans, significant environmental effects that cannot be avoided if the proposed Master Plans are implemented, and significant irreversible environmental changes that would result from implementation of the proposed project.
- **Chapter 6, Alternatives.** Describes alternatives to the proposed Master Plans that could avoid or substantially lessen significant effects and evaluates their environmental effects in comparison to the proposed plan.
- **Chapters 7, Preparers.** This chapter provides a list of the EIR preparers.
- **Chapters 8, Agencies, Organizations, and Persons Consulted.** This chapter provides a list of the agencies, organizations, and persons consulted during EIR preparation.

1.5 Other Related Environmental Documents

This EIR incorporates by reference the 2003 EIR for the Water and Sewer Master Plans Updates (State Clearinghouse #2003051014). CEQA Guidelines Section 15150 requires that relevant information be summarized in the subsequent environmental document provided that the previous environmental document is made available for review by the public. The EIR for the 2003 Water and Sewer Master Plans Updates is available to the public for review at the City of Carlsbad Faraday Building, located at 1635 Faraday Avenue, Carlsbad, California 92008.